

IN RE: APPEAL OF HILCIAS NUNEZ- MARTINEZ RELATIVE TO PROPERTY LOCATED AT 936 N. 11TH STREET, CITY OF READING, BERKS COUNTY, PENNSYLVANIA	: BEFORE THE ZONING HEARING : BOARD OF THE CITY OF READING, : PENNSYLVANIA : : APPEAL NO. 2021-37 : : VARIANCE, INTERPRETATION : AND/OR SPECIAL EXCEPTION
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**DECISION OF THE ZONING HEARING
BOARD OF THE CITY OF READING**

AND NOW, this 9th day of February, 2022, a hearing having been held on January 12, 2022, upon the application of Hilcias Nunez-Martinez, notice of such hearing having been first sent and advertised in accordance with the provisions of the Pennsylvania Municipalities Planning Code and the City of Reading Zoning Ordinance, as amended, the Zoning Hearing Board of the City of Reading (hereinafter referred to as the “Zoning Board”) renders the following decision:

FINDINGS OF FACT

The Zoning Board finds the following facts:

1. Applicant is Hilcias Nunez-Martinez, with a mailing address of 936 N. 11th Street, Reading, Berks County, Pennsylvania 19604 (hereinafter referred to as the “Applicant”).
2. Applicant is the fee simple owner of property located at 936 N. 11th Street, City of Reading, Berks County, Pennsylvania 19604 (hereinafter referred to as the “Subject Property”).
3. The Subject Property is located in the R-3 Residential Zoning District as that term and district is defined by the Zoning Ordinance of the City of Reading, as amended (hereinafter referred to as the “Zoning Ordinance”).
4. Applicant is requesting a dimensional variance to expand the maximum allowed impervious surface from 75% to 100% to allow for a parking pad in the rear of the Subject Property (Zoning Ordinance Section 600-804.A.).
5. Applicant is requesting a 450 square foot parking pad.
6. Surface parking is an allowed accessory use in the R-3 Residential Zoning District.

7. Per Section 600-804 of the Zoning Ordinance, the maximum allowed impervious surface is 1,237 square feet (75%).

8. Applicant's site plan indicates the lot already exceeded the maximum allowed impervious surface (1,275 square feet).

9. The Zoning Board finds the addition of a 450 square foot parking pad would create an impervious surface of 100%.

10. The Zoning Board also finds that there is a porch and patio structure in the rear yard that was constructed without a zoning permit.

11. Applicant agreed on the record to comply with conditions imposed by the Board in order to be granted the requested relief.

12. There were no objections to the proposed relief.

DISCUSSION

Applicant is requesting a dimensional variance to expand the maximum allowed impervious surface from 75% to 100% to allow for a parking pad in the rear of the Subject Property (Zoning Ordinance Section 600-804.A.). Applicant agreed to comply with conditions imposed by the Board in order to be granted the requested relief.

CONCLUSIONS OF LAW

1. Applicant is Hilcias Nunez-Martinez.

2. The Subject Property is located at 936 N. 11th Street, City of Reading, Berks County, Pennsylvania 19604.

3. The Subject Property is located in the R-3 Residential Zoning District.

4. Applicant is requesting a dimensional variance to expand the maximum allowed impervious surface from 75% to 100% to allow for a parking pad in the rear of the Subject Property (Zoning Ordinance Section 600-804.A.).

5. The Zoning Board is permitted to grant applications for variances and/or special exceptions and other relief as set forth in the Zoning Ordinance.

6. In order to grant the relief, the Applicant must show she has satisfied Sections 600-406(D) and 600-804.A. of the Zoning Ordinance.

7. After reviewing the Applicant's request in detail, the Zoning Hearing Board enters the following Decision:

a. Applicant is hereby granted a dimensional variance for a parking pad which will not exceed 200 square feet to allow for some permeable surface on the lot.

b. Applicant shall submit a Zoning Permit Application for the porch/patio structure in the rear yard prior to the issuance of a Zoning Permit for the parking pad.

c. Applicant shall comply with all relevant building and occupancy codes and ordinances as well as the plans and testimony submitted before the Zoning Board.

d. Applicant may not use, expand, alter or otherwise use the Subject Property inconsistently with the contents of this Decision without making application requesting further relief from the Zoning Board.

e. Failure to comply with any of these above-referenced conditions shall mean the immediate revocation of the relief granted herein.

The decision of this Board is by a vote of 4 to 0 .

**ZONING HEARING BOARD OF THE CITY
OF READING**

/s/ Philip Rabena

PHILIP RABENA, CHAIRMAN

/s/ Thomas Fox

THOMAS FOX

/s/ Jeffrey Gattone

JEFFREY GATTONE

/s/ William Harst

WILLIAM HARST